

III. REMARKS

Claims 1-26, 29-33, 35-37 and 39 are pending in this application. By this amendment, claims 1, 10, 15, 25, 29, 30, 32, 35, 36 and 39 have been amended herein; and claims 28, 34 and 38 are cancelled. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Claims 28-30, 34-35 and 38-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Accordingly, Applicants have amended independent claims 25, 32, and 36 to include the allowable subject matter of claims 28, 34 and 38, respectively.

Accordingly, Applicants submit that independent claims 25, 32, and 36, and associated dependent claims, are allowable.

Claims 1-24 are rejected under 35 U.S.C. 102(e) over Verbeke et al. (U.S. Patent Pub. No.: 2004/0098447), hereafter "Verbeke". Claims 25-26 and 31-39 are rejected under 35 U.S.C. 103(a) over Verbeke in view of Ekkel et al. (U.S. Patent Pub. No.: 2003/0088571), hereafter "Ekkel".

This rejection is defective because Verbeke does not disclose each and every feature set forth in the claims as required by 35 U.S.C. 102(e).

Claim 1 recites:

“A method for sharing source code over a network, comprising:
analyzing source code generated on a sharing node in the network to identify a set of code patterns, and assigning at least one predetermined category to the source code based on the identified set of code patterns;
storing code pattern information that is based on the analysis and assignment in a directory; and
selectively indexing the source code, a dependent code type, and an associated code type.”

Verbeke fails to disclose, among other features, “selectively indexing **the source code, a dependent code type, and an associated code type.**” (emphasis added) On the contrary, the sections of Verbeke cited by the Examiner (paragraph [0188]) as allegedly disclosing this feature, and indeed the entire disclosure of Verbeke, fail to disclose the selective indexing of the various code items, including source code et al. Rather, paragraph [0188] merely discloses that “platform-provided services 144” may include “indexing”, “file sharing services” and the like. There is no specific disclosure in Verbeke regarding the specific type of selective indexing that includes the source code, the dependent code type, and an associated code type, as claimed, nor is one offered by the Examiner.

Additionally, Applicants respectfully contend that the conclusory allegations made by the Examiner in, for example, the Response to Arguments section are without merit. For example, at item 9, pages 11-12, the Examiner, based on certain disclosures in Verbeke, includes conclusory statements such as “[i]n order for the peer group to be formed, it **must** first analyze source code generated on a sharing node in the network to identify a set of code patterns to form a peer group of similar interests” and “[t]**herefore**, Verbeke does disclose analyzing source code generated on a sharing node

in the network to identify a set of code patterns and teaches assigning at least one predetermined category to the source code based on the identified set of code patterns.” (emphasis added) Applicants disagree with these statements by the Examiner that, in essence, start with general-type quotations from Verbeke and then conclude with blind allegations that Verbeke must therefore anticipate the claimed invention. Applicants contend that there are veritable myriad of ways that the peer groups in Verbeke may be established. There is nothing in Verbeke, nor has the Examiner offered any specific teaching, of the aforementioned features as well as those discussed in the previous submitted amendment.

Accordingly, Applicants submit that independent claim 1, and claims 2-9 that are dependent on independent claim 1, are allowable. Further, Applicants submit that independent claims 10 and 15, and claims 11-14 and 16-19 that are dependent on independent claims 10 and 15, respectfully, are allowable for reasons similar to those set forth with regard to independent claim 1.

Claim 20 recites:

“A method for selectively indexing source code for sharing over a network, comprising:
recognizing at least one programming language of the source code;
indexing relevant portions of the source code based on the at least one programming language;
recognizing and indexing a graph of source code dependencies corresponding to the source code; and
recognizing and indexing a set of code types in a hierarchy associated with the source code.”

Verbeke fails to disclose, among other features, “recognizing at least one programming language of the **source code**,” and “indexing relevant portions of the **source code based on the at least one programming language**.” (Emphasis added)

On the contrary, the sections of Verbeke cited by the Examiner (paragraphs [0200]-[0202]) as allegedly disclosing this feature, and indeed the entire disclosure of Verbeke, are completely silent with regard to the recognition of at least one programming language of the source code and the indexing of relevant portions of the source code **based on the at least one programming language**. In fact, paragraphs [0200]-[0202] merely disclose that Verbeke's peer-to-peer platform can be used "independent of computer programming languages" [0200], and/or can be implemented "using any of a variety of programming languages or combinations of programming languages" [0201]. This is a strong suggestion that there is not any type of recognition of the programming language of the source code and/or indexing base on the recognized programming language. Further, the cited sections of Verbeke discuss communications in a peer-to-peer platform and not any type of analysis and indexing of source code, as in the claimed invention. There is no disclosure in Verbeke regarding the indexing of relevant portions of the source code based on at least one recognized programming language as claimed.

Accordingly, Applicants submit that independent claim 20, and claims 21-22 that are dependent on independent claim 20, are allowable. Further, Applicants submit that independent claims 23 and 24 are allowable for reasons similar to those set forth with regard to independent claim 20.

IV. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the

application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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